

ARTICLE XXXIII A.

EMINENT DOMAIN.

- 7A. Opening statements, when made; jury may view premises in charge of sheriff or bailiff.

Surveyors for Public Works.

- 18-20. Public engineers or surveyors may enter private property; property not to be destroyed; stakes, etc., may be set; owners not to obstruct work; penalties.

1.

The contention that the jurisdiction conferred on the circuit courts of the counties and the law courts of Baltimore City by this article is a special and limited one entirely distinct from and independent of their common law powers, not questioned. A petition for condemnation should be filed in the county or the City of Baltimore where the property is situated. *Park Land Corporation v. Baltimore*, 128 Md. 611.

Under the act of 1912, chapter 117, no appeal lay from an order of the court appointing appraisers or overruling a motion to strike out an order appointing appraisers. No appeal lies to the Court of Appeals from the action of the circuit court in cases such as were provided for by the act of 1912, chapter 117, if the circuit court had jurisdiction. *Hyattsville v. W., W. & G. R. Co.*, 124 Md. 578.

This article referred to in a suit to restrain the carrying out of an agreement for the construction of a municipal drain entered into after the institution of condemnation proceedings. *Baltimore v. Forest Park Co.*, 123 Md. 294.

Nature of condemnation proceedings. The right of removal has no application to such proceedings under the act of 1912, chapter 117. When the application for removal, even if it could otherwise be granted, comes too late. *Baltimore v. Kane*, 125 Md. 138.

To the third note to this section on page 596 of volume 3 of the Annotated Code, add *Hyattsville v. W., W. & G. R. Co.*, 124 Md. 578.

See notes to article 33A, sections 8, 12 and 14; article 23, section 438; article 26, section 30, and article 91, section 34.

2.

See notes to section 14.

3.

See notes to section 14.

4.

An amendment under this section suggested. *Brack v. Baltimore*, 125 Md. 390. And see *Brack v. Baltimore*, 128 Md. 434.

1916, ch. 117.

7A. The Court may, in its discretion, permit the opening statements of counsel to be made before the jury is sent to view the premises; and the Court also may, in its discretion, send the jury to view said premises, as provided in Section 7, in charge either of the sheriff as therein provided, or of a bailiff of the Court.